

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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G.H.,

Plaintiff,

COMPLAINT

-against-

DIOCESE OF BROOKLYN and ST. ROSE OF LIMA ROMAN
CATHOLIC CHURCH,

Index No. _____

Defendant.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Plaintiff, G.H., by and through undersigned counsel, respectfully shows to this Court and alleges as follows:

INTRODUCTION

This is a revival action brought pursuant to the New York Child Victims Act, CPLR § 214-g. The Plaintiff, when he was a minor, was sexually assaulted by Father Romano Ferraro, a priest of the Diocese of Brooklyn and serial pedophile. The Diocese of Brooklyn was made aware of Father Ferraro's pedophilia in approximately 1955, when Father Ferraro was still in the seminary. Despite their knowledge of Father Ferraro's conduct, the Diocese of Brooklyn permitted Father Ferraro to complete his training and sent him on various assignments throughout the Diocese of Brooklyn and the United States. Father Ferraro continued to sexually assault and abuse children until his removal from the Church in 2002. The Diocese of Brooklyn and the Church were made aware of Father Ferraro's assaults and acts several times throughout his tenure in the Church. Father Ferraro is currently serving a lifetime prison sentence in Massachusetts for the rape of a seven (7) year old child.

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, G.H. is a citizen and resident of the State of California. Plaintiff brings this Complaint using his initials because of the sensitive nature of the allegations of child sexual abuse in the Complaint, which is a matter of the utmost intimacy. Plaintiff fears embarrassment and further psychological damage if his identity as a victim of child sexual abuse were to become publicly known.

2. Defendant, DIOCESE OF BROOKLYN (hereafter, the “DIOCESE” or the “DIOCESE OF BROOKLYN”), is a religious institution and organization with principal offices located at 310 Prospect Road West, Brooklyn, New York. The Diocese of Brooklyn controls all Catholic religious, pastoral and educational functions in the boroughs of Brooklyn and Queens, encompassing approximately 180 parishes and 210 churches. The Diocese is a citizen and resident of the State of New York.

3. Defendant, ST. ROSE OF LIMA ROMAN CATHOLIC CHURCH (hereinafter referred to as “ST. ROSE OF LIMA”) is a Roman Catholic parish church under the authority of the Roman Catholic Diocese of Brooklyn, with a principal place of business located at 269 Parkville Avenue, Brooklyn, New York 11230. ST. ROSE OF LIMA is a citizen and resident of the State of New York.

4. Father Romano Ferraro (“Father Ferraro”) was at all material times a duly ordained Catholic Priest of the Diocese of Brooklyn, under the Diocese’s supervision and control.

5. This Court has subject matter jurisdiction of this action pursuant to Article VI of the New York Constitution.

6. Personal jurisdiction lies over Defendants as it is present and domiciled in the State of New York.

7. Venue of this action lies in Kings County and a substantial part of the events or omissions giving rise to the claim occurred in Kings County or one of the Defendants resides in Kings County.

FATHER FERRARO'S SEXUAL ASSAULTS OF PLAINTIFF

8. Plaintiff was raised in a devout Catholic family. Plaintiff was introduced to Father Ferraro groomed and became extraordinarily close to Plaintiff while Father Ferraro was a priest at ST. ROSE OF LIMA.

9. In approximately 1972, when Plaintiff was approximately fourteen (14) years old, Father Ferraro sexually abuse and assaulted Plaintiff on several occasions. The acts of sexual abuse and assault of Plaintiff included, but was not limited to, fondling of Plaintiff's genitals and forcing Plaintiff to watch pornography. Plaintiff also witnessed Father Ferraro sexually abuse another child.

10. The acts of sexual abuse committed by Father Ferraro occurred on the premises of ST. ROSE OF LIMA. Father Ferraro often wore his priest garb during the sexual assaults and abuse of Plaintiff.

NOTICE – FORESEEABILITY

Father Romano Ferraro's History of Child Sexual Abuse

11. Father Romano Ferraro entered seminary in or about 1954. Prior to ordination, Father Ferraro left the seminary because he was conflicted over his sexual proclivity for boys. Diocesan officials, advised by Ferraro of this issue, convinced Ferraro to return to the seminary and continue to pursue a career in the priesthood. He was ordained as a priest by the DIOCESE OF BROOKLYN in May 1960.

12. Father Ferraro sexually abused boys from the beginning of his tenure as a priest. He sexually abused numerous children over decades as an active priest of the DIOCESE OF BROOKLYN.

13. Father Ferraro was transferred between different assignments in the DIOCESE until being assigned to the United States Navy as a Military Chaplain in or about 1968. Upon information and belief, he was dishonorably discharged from the Navy in approximately 1970, based on an allegation of child sexual abuse.

14. Upon returning from his relatively brief stint in the U.S. Navy as a Military Chaplain, the Diocese assigned Father Ferraro to ST. ROSE OF LIMA. He was removed from this assignment in or about May 1973, because of an allegation he had sexually abused a child. The Diocese then sent Father Ferraro to different psychiatrists to attempt treatment of his pedophilia.

15. Father Ferraro continued his prolific sexual assaults of children through the 1970's and 1980's, including in assignments outside the territory of the DIOCESE. For part of this time he worked as a priest at St. Joseph's Church in Kings Park, New York, in the Diocese of Rockville Centre. He also had assignments in St. Louis, Missouri; New Jersey; and Staten Island. In approximately 1988-89, after yet another allegation of child sexual abuse, the Diocese sent Father Ferraro to St. Luke Institute, an evaluation and treatment facility for pedophile clergy located in Maryland.

16. Upon returning from his stint at St. Luke, Father Ferraro continued to serve and act as a priest of the DIOCESE, with faculties and authority to minister, provide pastoral counseling, and perform all the functions and duties, and act in the role of, a Catholic priest. Despite its

knowledge of Father Ferraro's extensive history of child sexual abuse, the DIOCESE did nothing to remove this authorization from Father Ferraro such as by laicization or other means.

17. Father Ferraro was arrested in 2002 for the sexual abuse of a seven year-old boy in Massachusetts. He was convicted and sentenced to life in prison.

18. At all relevant times, the Defendants knew or in the exercise of reasonable care should have known that Father Ferraro had a propensity for the conduct which caused injury to Plaintiff, particularly that he had a propensity to engage in the sexual abuse of children.

19. At all relevant times, it was reasonably foreseeable to the Defendants that Father Ferraro would commit acts of child sexual abuse or assault on children.

20. At all relevant times, the Defendants knew or should have known that Father Ferraro was unfit, dangerous, and a threat to the health, safety and welfare of the minors entrusted to his ministry, counsel, care and/or protection.

21. With such actual or constructive knowledge, the Defendant's acts and omissions provided Father Ferraro with the opportunity to commit foreseeable acts of child sexual abuse or assault on Plaintiff.

Diocese's Concealment of Acts of Sexual Abuse by Priests

22. The Bishop of the Diocese at all relevant times knew that priests of the DIOCESE, under his supervision and control, were grooming and sexually molesting children with whom the priests would have contact in their ministry and pastoral functions. At all relevant times, the Bishop knew that this was a widespread, ubiquitous and systemic problem in the DIOCESE, involving many priests and numerous victims.

23. In February 2019, the DIOCESE released a list of over 100 priests of the DIOCESE against whom credible allegations of child sexual abuse that had been made. These priests are

acknowledged to have abused children within the DIOCESE OF BROOKLYN over decades. The list includes the name of Father Ferraro.

24. Despite receiving credible allegations of child sexual abuse against priests, the Defendants acted to conceal these allegations in an effort to avoid scandal and accountability.

25. This concealment was in accordance with a policy of the DIOCESE, as agent, and the Holy See, as principal. In 1922, the Holy See released a confidential document to its Bishops and other officials of Catholic organizations regarding the handling of cases of solicitation of sex in the confessional. This document mandated a specific procedure for Holy See's agents, including the Bishop of the DIOCESE, to use when a cleric abused children using the confessional. This document required strict secrecy. The 1922 document showed that the Holy See and its agents were fully aware that there was a systemic problem of clergy sexually molesting children using the confessional.

26. In 1962, the Holy See released the confidential document, *Instruction on The Manner of Proceeding in Cases of Solicitation* (The Vatican Press, 1962) (hereinafter referred to as "*Crimen Sollicitationis*"). The heading of the document states, "From the Supreme and Holy Congregation of the Holy Office To All Patriarchs, Archbishops, Bishops and Other Diocesan Ordinaries 'Even of the Oriental Rite,'" and contains specific instructions regarding the handling of child sex abuse by clergy. According to the document itself, it is an "instruction, ordering upon those to whom it pertains to keep and observe it in the minutest detail." *Crimen Sollicitationis* at paragraph 24.

27. The 1962 document reinforced that the Holy See and its agents to whom the document was directed had knowledge that there was a systemic problem of Catholic clergy sexually molesting children using the confessional.

28. At the same time, the Holy See was involved in the formation of secret facilities in the United States where sexually offending clergy would be sent for short periods of time. In 1962-63, Fr. Gerald Fitzgerald reported to the Pope on the problem of abuse of children by clergy and expressed concerns if these priests were returned to active duty.

29. Fr. Fitzgerald's reports were kept secret under the Holy See's standing policy to avoid scandal at all costs. Its recommendation was ignored, however, and instead the Holy See made a choice to return known offending priests to active duty. At this point, it is clear that the Holy See and its agents, including the DIOCESE, knew they had a widespread problem of clergy sexually molesting minors, and they participated in the creation and the operation of facilities in the United States where sexually offending clergy could be sent before they were moved to another parish to work and potentially abuse again.

30. The Holy See's policy of secrecy under penalty of immediate removal from the organization (excommunication) for all involved in an accusation of child sexual abuse created a shroud of secrecy insulating priests from consequence. Through this policy and others, the Holy See and its agents, including the DIOCESE, knowingly allowed, permitted and encouraged child sex abuse by the DIOCESE's priests.

31. The Holy See mandates secrecy for all those involved, including agents and itself, in handling allegations of sexual abuse. Penalties for child sexual abuse include an order to move offending priests to other locations once they have been determined to be "delinquent." In response to allegations, the document mandates that supplementary penalties include: "As often as, in the prudent judgment of the Ordinary, it seems necessary for the amendment of the delinquent, for the removal of the near occasion [of soliciting in the future], or for the prevention of scandal or reparation for it, there should be added a prescription for a prohibition of remaining

in a certain place.” *Crimen Sollicitations* at paragraph 64. Under this policy of secrecy and transfers or reassignments, all involved are threatened with excommunication and, thus, damnation, if they do not comply.

32. The policy of secrecy and the severest of penalties for its violation were reiterated in documents issued by officials of the Holy See for the benefit of its agents, including the Bishop of the Diocese, in 1988 and 2001.

33. The policies and practices of the DIOCESE designed to conceal sexual abuse by clergy and protect it from scandal and liability included the following:

- a. transfer and reassignment of clergy known or suspected to abuse minors to deflect attention from reports or allegations of child sexual abuse;
- b. concealing from parishioners and even other clergy that a priest reassigned to their parish posed a danger of sexual abuse to children;
- c. failing to alert parishioners from the priest’s prior assignments that their children were exposed to a known or suspected child molester;
- d. failing to report sexual abuse to criminal authorities; and
- e. otherwise protecting and fostering the interests of abusive clergy to the detriment of the victims and the community, for the purpose of avoiding scandal and public scrutiny.

34. Upon information and belief, the DIOCESE’s transfers and reassignments of Father Ferraro were pursuant to this policy and practice designed to conceal sexual abuse of clergy and protect the Diocese from scandal.

35. Upon information and belief, the DIOCESE continued to retain Father Ferraro as a priest, with authority to act as a priest, without any disclosure of his heinous acts to the Catholic

faithful and without any action to prevent or limit his contacts with children, pursuant to the above-described policy and in an effort to avoid scandal.

36. Indeed, the policy of secrecy and lack of consequences for the sexual abuse of children was perceived as a perquisite by clergy sex abusers. The Holy See and DIOCESE believed it to be perceived as a perquisite, which it condoned and used to its advantage in controlling priests.

37. Plaintiff was in a zone of foreseeable harm as a child in close proximity with Catholic clergy.

38. The Defendants was in the best position to protect against the risk of harm as it knew of the systemic problem and foreseeable proclivities of its Priests to sexually abuse children, particularly Father Ferraro.

39. At all relevant times, while the Defendants had special and unique knowledge of the risk of child sexual abuse by its priests, such priests who would prey on children were outside the reasonable contemplation of the Catholic community and families who trusted priests to have access to their children.

40. Plaintiff had no opportunity to protect himself against a danger that was within the knowledge of the Diocese.

41. The Defendants knew a significant percentage of priests were using their status and position to identify, recruit, groom and sexually assault vulnerable children in the Church.

42. The Defendants knew that Father Ferraro was using his status and position to identify, recruit, groom and sexually assault vulnerable children, including plaintiff.

43. All children engaging in Catholic activities within the DIOCESE and at ST. ROSE OF LIMA were in this manner placed at risk of child sexual abuse.

DUTY

44. At all times relevant and material hereto, defendant DIOCESE, as principal, and defendant ST. ROSE OF LIMA, as agent, were in an agency relationship, such that ST. ROSE OF LIMA acted on the DIOCESE's behalf, in accordance with the DIOCESE's instructions and directions on all matters, including those relating to the hiring of priests and clergy. The acts and omissions of ST. ROSE OF LIMA were subject to the DIOCESE's plenary control, and ST. ROSE OF LIMA consented to act subject to the DIOCESE's control.

45. At all times relevant and material hereto, defendant DIOCESE and Plaintiff were in a special relationship of church-parishioner, in which the DIOCESE owed Plaintiff a duty of reasonable care to prevent foreseeable harm.

46. At all times relevant and material hereto, defendant DIOCESE and Father Ferraro were in a special relationship of employer – employee, in which the DIOCESE owed a duty to control the acts and conduct of Father Ferraro to prevent foreseeable harm.

47. At all times relevant and material hereto, defendant DIOCESE owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while he was under the care, custody or in the presence of the DIOCESE. The DIOCESE's duties encompassed using reasonable care in the retention, supervision and hiring of Father Ferraro and the duty to otherwise provide a safe environment for Plaintiff.

48. At all times relevant and material hereto, defendant ST. ROSE OF LIMA and Plaintiff were in a special relationship of church – parishioner, in which ST. ROSE OF LIMA owed Plaintiff a duty of reasonable care to protect him from foreseeable harm.

49. At all times relevant and material hereto, defendant ST. ROSE OF LIMA and Father Ferraro were in a special relationship of employer-employee, in which ST. ROSE OF LIMA owed a duty to control the acts and conduct of Father Ferraro to prevent foreseeable harm.

50. Defendant ST. ROSE OF LIMA owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while he was under the care, custody or in the presence of ST. ROSE OF LIMA. ST. ROSE OF LIMA's duties encompassed using reasonable care in the retention, supervision and hiring of Father Ferraro and the duty to otherwise provide a safe environment for Plaintiff.

51. Defendant ST. ROSE OF LIMA had a duty to exercise reasonable care in the training of clergy, priests, administration and staff in the prevention of sexual abuse and protection of the safety of children and parishioners in its care.

52. Defendant ST. ROSE OF LIMA had a duty to establish and implement policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and protection of the safety of the children and parishioners in its care.

BREACH

53. During the time Plaintiff was sexually assaulted by Father Ferraro, the Defendants knew or should have known that Father Ferraro posed a foreseeable risk of sexual assault to children with whom he would have contact and opportunity.

54. With this knowledge, the Defendants breached their duties by (i) retaining Father Ferraro as a Priest with unfettered access to children; (ii) failing to adequately supervise Father Ferraro as an active Priest of the DIOCESE; and (iii) granting and maintaining Father Ferraro faculties or authorization to act as Priest without making any warning or notice of his perverse sexual proclivities to the Catholic faithful who would have contacts with Father Ferraro.

55. At all relevant times, the Defendants had inadequate policies and procedures to protect children from pedophile clergy.

56. The Defendants concealed its knowledge that priests were unsafe and failed to adopt policies and procedures that would protect children and reduce the risk of child sexual abuse by its Priests in general and Father Ferraro in particular.

57. The Defendants failed to warn Catholic families that their children were at risk of sexual abuse by Priests in general and Father Ferraro in particular.

58. As a direct and proximate cause of the foregoing breaches of duty, Father Ferraro sexually assaulted Plaintiff.

NATURE OF CONDUCT ALLEGED

59. This action alleges physical, psychological and emotional injuries suffered as a result of conduct which would constitute a sexual offense on a minor as defined in Article 130 of the New York Penal Law, including without limitation, conduct constituting rape (consisting of sexual intercourse) (N.Y. Penal Law §§ 130.25 – 130.35); criminal sexual act (consisting of oral or anal sexual conduct) (N.Y. Penal Law §§ 130.40 – 130.53), and/or sexual abuse (consisting of sexual contact) (N.Y. Penal Law §§ 130.55 – 130.77).

60. The limitation of liability set forth in CPLR Art. 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR § 1602, including without limitation, that Defendant acted with reckless disregard for the safety of others, including Plaintiff, or knowingly or intentionally, in concert with Father Ferraro, to retain Father Ferraro in ministry with unfettered access to children.

COUNT I - NEGLIGENCE **(Against Defendant DIOCESE)**

61. Plaintiff G.H. repeats and realleges Paragraphs 1 through 60 above.

62. As a direct and proximate result of the Defendant's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

63. The Defendant's acts and conduct shows a reckless or willful disregard for the safety and well-being of G.H. and other children.

COUNT II - NEGLIGENCE
(Against Defendant ST. ROSE OF LIMA)

64. Plaintiff G.H. repeats and realleges Paragraphs 1 through 60 above.

65. As a direct and proximate result of the Defendant's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

66. The Defendant's acts and conduct shows a reckless or willful disregard for the safety and well-being of G.H. and other children.

WHEREFORE, Plaintiff demands judgment against the Defendants for compensatory damages, punitive damages, costs and such other and further relief as this Court deems proper.

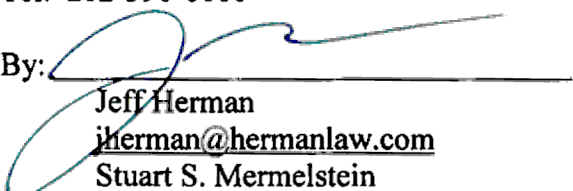
DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action.

Dated: New York, New York
November 8, 2019

Respectfully submitted,

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